

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

9

United States of America

v.

DAVID RICHARD DERDERIAN

Case: 2:10-mj-30028  
Judge: Unassigned,  
Filed: 01-25-2010 At 01:48 PM  
USA v. David Derderian (ml)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 19, 2010 and January 20, 2010 in the county of Macomb in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 875(c)

Transmitting in interstate commerce any communication containing any threat  
to injure the person of another.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: January 25, 2010

City and state: Detroit, Michigan

  
Complainant's signature

SA Jeffrey J. Eberle

Printed name and title

  
Judge's signature

Donald A. Scheer, U.S. Magistrate Judge

Printed name and title

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

AFFIDAVIT

I , Jeffrey J. Eberle, being duly sworn, depose and state as follows:

INTRODUCTION

I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been a Special Agent for over fourteen years and in that time have been assigned to numerous cases involving the criminal violations of federal law. I am currently assigned to the FBI's Macomb County Resident Agency. Among my areas of responsibilities are cases involving the investigation of violations of federal law regarding interstate communications of threats to injure another person . In connection with my official responsibilities I have been assigned the investigation of DAVID RICHARD DERDERIAN.

Through my participation in the investigation, from interviews and from the review of records provided to me, probable cause exists to show that DAVID RICHARD DERDERIAN did transmit interstate communications of threats to injure a federal Agent in violation of Title 18, U.S.C. 875(c). The basis for this is as follows:

1.) DAVID RICHARD DERDERIAN is a white male subject with a date of birth of February XX, 19XX. According to the State of Michigan Department of Energy, Labor & Economic Growth business records, DERDERIAN is the registered agent and president of DRD Motorsports, Inc., 30137 South River Road, Harrison Township, Michigan, telephone number (586)463-XXXX. DRD Motorsports, according to its website:

*Transports all types of boats, houseboats, cruisers and yachts for*

*boat manufactures, boat dealers, yacht brokerages, and owners throughout the United States and Canada.*

Said website also lists DERDERIAN as the president of DRD.

2.) NCIC records indicate that DERDERIAN, in 1996, pleaded nolo contendere to resisting arrest and to a charge of disorderly conduct in Volusia County, Florida. According to records provided by the State of Michigan 41B District Court, DERDERIAN pleaded guilty, in 2008, to "Assault or Assault and Battery" in Macomb County, Michigan. State of Michigan 41B District Court records indicate that, related to the aforementioned guilty plea, a personal protection order was issued (and again re-issued in October, 2008) against DERDERIAN. In addition DERDERIAN was also ordered to undergo anger management treatment and that he may "travel out of state for work purposes only." A further review of State of Michigan 41B District Court records indicates that DERDERIAN is currently on non-reporting probation. Records also indicate that DERDERIAN is "prohibited from purchasing a pistol or obtaining a license to carry a pistol concealed."

3.) U.S. Fish and Wildlife Service (FWS) Special Agent (SA) Tom Tidwell stated to me that on January 19, 2010, at approximately 10:25 a.m., he arrived at DERDERIAN's business DRD Motorsports. SA Tidwell explained to me that the purpose of his visit was to serve DERDERIAN with a FWS Violation Notice (VN) for infractions that had occurred in Iowa. SA Tidwell stated to me that upon meeting DERDERIAN, Tidwell explained to him the purpose of his (Tidwell's) visit and presented DERDERIAN with the VN. SA Tidwell further stated to me that he attempted to explain the VN and referred DERDERIAN to the issuing FWS Agent who issued the ticket in Iowa, SA Justin Mays. According to Tidwell, once

DERDERIAN became aware of the fine amount on the VN (\$2,000.00) he became very agitated and ordered SA Tidwell to "get the fuck out."

4.) SA Tidwell stated to me that DERDERIAN continued to shout obscenities at him as he attempted to leave DERDERIAN's office. SA Tidwell described to me how, once he was outside of DERDERIAN's office, he noticed that DERDERIAN was quickly advancing on him, fists clenched, shouting more obscenities. SA Tidwell further described to me that at this point he was concerned for his personal safety, fearing that DERDERIAN was about to assault him. SA Tidwell advised me that, with the left side of his body pointing toward DERDERIAN, he drew his service-issued pistol, kept his weapon pointed downward along his right leg and ordered DERDERIAN to "back-off." SA Tidwell further advised me that DERDERIAN stopped his advance approximately six feet away from him. SA Tidwell stated that DERDERIAN demanded that SA Tidwell holster his weapon or that he (SA Tidwell) would regret it. SA Tidwell stated that he told DERDERIAN that he was leaving and that DERDERIAN should not attempt to stop him. SA Tidwell said to me that he then walked approximately ninety feet to his vehicle and drove away at approximately 10:30 a.m.

5.) On January 19, 2010 FWS SA Justin Mays advised me that, at approximately 9:31 a.m.(Central Standard Time) he received a telephone call at the FWS office in Des Moines, Iowa. SA Mays further advised me that his caller identification device listed that the incoming call was from DRD Motorsports, 1-586-463-XXXX. The caller, according to SA Mays, identified himself as DAVID DERDERIAN. SA Mays explained how, during his telephonic conversation, DERDERIAN became extremely agitated, argumentative and, shouted obscenities at SA Mays. Among the statements and threats made by DERDERIAN to SA Mays are,

according to SA Mays, the following remarks:

- *You are a mother-fucking cocksucker, you have messed with the wrong person.*
- *You don't know who you are messing with.*
- *The next time I see you, we're going to tangle, I will break you in half.*
- *I know what I will do, I will get on the next plane and fly down to you, get ready, bring your army.*
- *I will kill you.*
- *You will die, you mother fucker.*
- *You had better make this go away (the VN), you have picked the wrong person. I will fuck you up.*

SA Mays stated to me that despite DERDERIAN's yelling threats and obscenities, he did not respond in kind and that the telephone call ended at approximately 9:47 a.m. (CST).

6.) On January 19, 2010 Mike Lawrence stated to me that he is the owner of a boat which DRD Motorsports moved, from Illinois to Iowa for him. Lawrence further stated to me that the VN DERDERIAN received from the FWS was in regards to his boat. Lawrence stated to me that, on January 19, 2010 he received a telephone call from DERDERIAN. Lawrence advised me that he has never met or spoken with DERDERIAN before this telephone call. Lawrence described to me that said telephone call lasted approximately one half hour and further described it as a one-sided "rampage." Lawrence stated to me that, during his telephone call with DERDERIAN, he (Lawrence) was called a "snitch" as DERDERIAN yelled a variety of profanities at him. DERDERIAN, according to Lawrence, threatened him with legal actions and that he was holding him responsible for any legal fees that he (DERDERIAN) might incur. Lawrence advised me that, although DERDERIAN did not directly threatened him with an act of violence, his demeanor and language, during their telephone conversation, has made Lawrence fearful for his safety and the safety of his family. Lawrence further advised that he is afraid that DERDERIAN may travel to Iowa and commit a violent act against him or members of his

family.

7.) SA Mays advised me that, on January 19, 2010 at approximately 10:35 a.m(CST), he received a telephone call from DERDERIAN and recorded this conversation. SA May subsequently provided to me a copy of this telephone conversation with DERDERIAN.

8.) DERDERIAN was recorded yelling obscenities at SA Mays in regards to receiving the aforementioned FWS violation. DERDERIAN tells SA Mays that he needs to "reevaluate his fuckin' attitude, because if you don't I'll make sure you never work in this field again!" DERDERIAN, during this approximately seven minute and twelve second long telephone conversation with SA Mays, repeatedly calls SA Mays a "mother fucker" a "cocksucker" and "a fuckin' moron."

9.) SA Mays never replied in kind, during the conversation, or raised his voice. Indeed SA Mays suggested that he and DERDERIAN talk again in a week to give him an opportunity to "cool down." DERDERIAN rejected this attempted stating,

*I got news for ya. I'm not gonna cool down. If you don't fix this in five minutes, I'll guarantee you, the United States Army isn't gonna be enough for me, to cool down when I see you, you fuckin' cocksucker!*

DERDERIAN warns SA Mays that "I tell you what mother fucker, I am not gonna let this go and I am the person who that will bring you down!" DERDERIAN tells SA Mays, "You go fuck yourself and straiten this fuck-up (VN) out or get a new job!"

10.) During this telephone conversation DERDERIAN admits that "I am a fuckin lunatic!" Further, DERDERIAN threatens SA Mays with an ultimatum:

*I'll tell you what cocksucker, you get the fuck out of this country or learn to practice law the way that it was meant to be practiced.*

*Those are the choices I'm giving you and that's the ultimatum that I'm giving you. I'm declaring war on your mother fuckin ass. You file a, you so much as file one more right of mine and I swear my declaration will come true.*

While maintaining a calm demeanor, SA Mays was recorded offering to call DERDERIAN again to discuss the matter further. DERDERIAN was recorded rejecting this offer as he threatened,

*Mother fucker, I better never hear from you again. You call me again and it'll be your problem. You don't call me. You need to make this right (the VN), 'cause am telling you, you don't want to deal with me.*

According to SA Mays, this call ended at approximately 9:47 a.m. (CST).

11.) SA Mays advised me that , on January 20, 2009 while he was out of the office, his call identification device indicated seven missed calls from DRD Motorsports between 11:34 a.m. and 12:05 a.m.(CST). The caller, according to SA Mays, did not leave any messages. SA Mays advised me that at approximately 12:55 p.m.(CST) he received yet another telephone call from DERDERIAN, via his DRD Motorsports business telephone. SA Mays recorded this telephone conversation and subsequently provided me with a copy of this recording. During this conversation with SA Mays, DERDERIAN again attacked SA Mays regarding the aforementioned VN . During the approximately one hour and ten minute conversation, DERDERIAN shouted frequent obscenities at SA Mays. Furthermore, DERDERIAN clearly threatened DERDERIAN several times during this conversation.

12.) During DERDERIAN's January 20, 2010 telephone conversation with SA Mays, DERDERIAN is recorded stating,

*I am now going to clear my desk of everything I have to do and I'm going to make it a priority to make your fucking life a*

*miserable fucking hell. Because you fucked with the wrong person... I'm warning you, I'm threatening you. You practice the law the right way or I'll make sure you don't practice law anymore....who the fuck do you think you are? You are a fucking nobody!*

Despite SA Mays efforts to calm and allay DERDERIAN's concerns about the VN, DERDERIAN is recorded stating "I don't give a fuck what you do mother fucker, you either go away or find a new job. 'Cause those are going to be your two choices." DERDERIAN is recorded telling Mays that he "has no idea who is dealing with," and that he (DERDERIAN) is in fact a "borderline genius and by the way, schizophrenic and psychotic... I have one button and its on, there is no off-button...I have nothing to lose, nothing, so keep pushing."


13.) DERDERIAN was recorded, during his January 20, 2010 conversation with SA Mays, threatening the life of federal Agent:

*Oh and by the way, you send that Tidwell guy here again, with a gun on my property, I'm gonna tell you right now. That cocksucker put his gun on his weapon; where I come from, you put a hand on a weapon, you'd better be prepared to use it. This is Michigan. If he ever steps foot on my property again and touches his gun, I'll put a bullet in his head.*

Both SA Mays and SA Tidwell have stated to me that they are both concerned for there personal safety and that of their respective families.

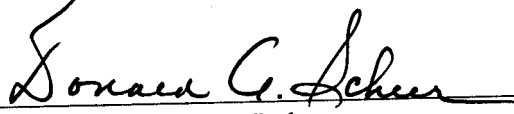


23.) Based on the foregoing, probable cause exists that on January 19 and 20, 2010, DAVID RICHARD RDERIAN, did transmit communications, via the telephone containing threats to injure the person of another, specifically eral Agent in Iowa and Michigan 1 in violation of Title 18 U.S.C. 875(c).

  
Jeffrey J. Eberle

cial Agent, FBI

scribed and sworn to before me  
; day of January, 2010

  
ited States Magistrate Judge  
stern Judicial District of Michigan,  
athern Division